CBW:krm:kma

AO 91 (Rev. 11/11) Criminal Complaint

2017R00012

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

AARON LEE BOSHEY

Case No. 17-MJ-300 FLN

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 22, 2016, in St. Louis County, in the State and District of Minnesota, defendant(s)

knowingly and intentionally possessed a firearm, to wit, one Astra Model 960 .38 caliber revolver, bearing serial number R237527, manufactured in Spain, after having been convicted of a felony offense, to-wit: Controlled Substance Crime in Third Degree from Carlton County, Minnesota.

in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒Yes ☐ No

Complainant's signature

Craig Heidenreich, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/23/17

Judge's Signature

City and State: Minneapolis, Minnesota

Franklin L. Noel, U.S. Magistrate Judge

Printed Name and Title

SCANNED
MAR 23 2017
U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA)
)   ss: AFFIDAVIT OF CRAIG J. HEIDENREICH
COUNTY OF ST. LOUIS)

1. Your affiant, Craig J. Heidenreich, being duly sworn, does depose and state as follows:

2. I am employed as a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since March 19, 2006. I am currently assigned to the Duluth, Minnesota FBI office. I have worked multiple investigations involving violent crimes and was assigned to a Violent Crimes Squad in the Chicago Division for 5 years.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant for AARON LEE BOSHEY, knowingly and intentionally possessed, a firearm, to wit, one Astra Model 960 .38 caliber revolver, bearing serial number R237527, manufactured in Spain, after having been convicted of a felony offense, to-wit: Controlled Substance Crime in Third Degree from Carlton County, Minnesota, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

4. The facts and information contained in this affidavit are based upon my own knowledge and the observations and interviews of other individuals and law enforcement officers involved in the investigation. This affidavit is made for the purpose of establishing probable cause for the attached criminal complaint and arrest warrant and therefore contains

only a summary of relevant facts. It is not intended to include each and every fact and matter observed by me or known to the Government.

5. On November 20, 2016, law enforcement officers in Virginia, Minnesota, were aware that AARON LEE BOSHEY had an outstanding felony arrest warrant. At approximately 11:00 PM, a law enforcement officer in Virginia, Minnesota, received information from an individual ("WITNESS A") that BOSHEY carried a small, black handgun with him "at all times." WITNESS A also agreed to help the officer attempt to locate BOSHEY.

6. On November 22, 2016, at approximately 12:16 AM, a law enforcement officer in Virginia, Minnesota, received information from WITNESS A that BOSHEY was at the Lucky Seven gas station. Shortly thereafter, law enforcement officers responded to the area near Lucky Seven, located at 820 Hoover Road North, Virginia. A law enforcement officer immediately recognized BOSHEY as being the lone occupant of a silver colored passenger car parked near the gas pumps. The officer exited his squad car and approached BOSHEY's vehicle. BOSHEY put his vehicle in reverse and started backing away from the officer (nearly striking another officer's marked squad). The officer gave a verbal order for BOSHEY to stop. BOSHEY refused the order, put the vehicle in drive, and drove away from Lucky Seven. Law enforcement vehicles, with emergency lights and sirens activated, pursued BOSHEY. BOSHEY continued to ignore the law enforcement vehicles and drove southbound on Highway 53, eventually leaving the town of Virginia. BOSHEY drove erratically and showed no signs of stopping. An officer deployed "stop stix" on Highway 53 in Eveleth. BOSHEY's vehicle ran over the stop stix and at least one of the vehicle's

tires became disabled. BOSHEY continued driving through the city limits of Eveleth and into Mountain Iron. The pursuit ended on a dead-end on Highway 101, at which time BOSHEY's vehicle stopped. BOSHEY immediately exited his vehicle and started running towards a heavily wooded area. During the time BOSHEY exited his vehicle and started running, a law enforcement officer saw that BOSHEY had a black or dark colored handgun in his hand. The officer discharged his firearm at BOSHEY, who continued running into the woods. Officers yelled verbal commands to BOSHEY to surrender himself. After approximately 15 minutes, BOSHEY exited the woods and surrendered to officers. BOSHEY was wearing a ballistic vest when he was apprehended.

7. Subsequent to BOSHEY's surrender, officers conducted a search near the area where BOSHEY's vehicle stopped at the end of the vehicle pursuit. In the snow by the vehicle, officers recovered a black .38 caliber ASTRA revolver, model 960, bearing serial number R237527

8. Subsequent to BOSHEY's surrender, officers conducted a search of the area where BOSHEY ran from his vehicle, into the woods, and was subsequently apprehended. Officers located personal items and blood spots. Among other items, officers recovered a small ziplock baggie containing a suspected controlled substance. The suspected controlled substance weighed approximately 8 grams and tested positive for methamphetamine.

9. Subsequent to BOSHEY's surrender, officers conducted a search of the silver colored passenger car he had been driving. Officers recovered a .22 caliber Ruger rifle,

model 1022, bearing serial number 234-37966 and a 30-06 Remington Arms Company rifle, model 7400, bearing serial number 8191291.

10. A search of the Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center revealed that the .38 caliber ASTRA revolver, model 960, bearing serial number R237527, was manufactured in the country of Spain.

11. A criminal history search revealed that on November 13, 2015, BOSHEY was convicted of felony offense "Drugs-3rd Degree-Possess 3 Grams or More Cocaine/Heroin/Methamphetamine", which is punishable by imprisonment for a term of more than one year.

12. Based upon the above information, I believe there is probable cause to conclude that on or about November 22, 2016, AARON LEE BOSHEY, who knowingly and intentionally possessed, a firearm, to wit, one Astra Model 960 .38 caliber revolver, bearing serial number R237527, manufactured in Spain, after having been convicted of a felony offense, to-wit: Controlled Substance Crime in Third Degree from Carlton County, Minnesota, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

13. Further your affiant sayeth not.

Craig J. Heidenreich, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
This 23rd day of March, 2017.

Honorable Franklin L. Noel
United States Magistrate Judge